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**From:** Whitcomb, Jill [jwhitcomb@pa.gov]  
**Sent:** 6/1/2020 8:25:55 PM  
**To:** McNally, Dianne [mcnally.dianne@epa.gov]; Trevena, Suzanne [Trevena.suzanne@epa.gov]; Power, Lucinda [power.lucinda@epa.gov]; Edward, James [edward.james@epa.gov]  
**CC:** Atkinson, Aneca [aneatkinso@pa.gov]; Freyermuth, Shelby [shfreyermu@pa.gov]; Kristen Wolf [kwolf@pa.gov]; Brown, Karl [kbrown@pa.gov]; Hostetter, Gregory [grhostette@pa.gov]; Keefer, Matthew [makeefer@pa.gov]; Aunkst, Dana [aunkst.dana@epa.gov]  
**Subject:** Pennsylvania's 2020-2021 Programmatic and Numeric Milestones  
**Attachments:** Milestone Planning and Progress Reporting\_2020-2021.pdf; Pennsylvania Numeric Milestones 2020-2021.pdf  
**Importance:** High

Good Afternoon,

Please find Pennsylvania's final 2020-2021 Programmatic and Numeric Milestone commitments attached. We commit to quarterly conference calls with EPA Region 3 Agriculture Liaison and Agriculture Permitting, Compliance, and Enforcement staff to provide updates related to agriculture BMP implementation and statewide agriculture programs. This commitment will serve the purpose of providing the specific details requested in the draft milestone evaluation. We addressed many of the recommendations in the programmatic milestone evaluation, directly linking some with numeric milestone commitments.

We appreciate the discussion with EPA and our lead state agencies on May 4 to review EPA's draft milestone evaluation. I had a subsequent discussion with Suzanne Trevena for further clarification on May 7. Please let us know if EPA has incorporated our suggested revisions and when we would receive a copy of the final evaluation. Some of the items in question are as follows:

- The draft evaluation recommended that we include "programmatic milestones to show how pollutant reduction activities will be incentivized for unregulated urban lands, which accounts for 70% of the sector."
  - o We discussed that Pennsylvania has a multi-layered stormwater management program and we were uncertain as to what was meant by "unregulated urban lands." EPA program staff stated that "unregulated urban lands" meant urban/developed land outside of MS4 urbanized areas. However, Pennsylvania maintains and implements regulations and policies such as the Stormwater Management Act (Act 167); the Comprehensive Stormwater Management Policy (392-0300-002); and the Chapter 102 regulations, which include the requirement that a written post-construction stormwater management (PCSM) plan is developed, implemented, operated, and maintained (25 Pa. Code § 102.8). We requested that EPA further clarify their statement in the evaluation, as it is inaccurate to state that 70% of developed/urban lands are unregulated.
- The draft evaluation included Table 1, with comparisons between 2009 progress, 2019 progress, 2020-2021 milestone targets, and 2025 WIP targets.
  - o We discussed that the comparison between 2009 and 2019 does not accurately portray progress achieved, especially as it relates to the institution of CBP BMP verification protocols, credit durations/credit expiration, and back-out of BMPs that become incorporated over time using aerial imagery (e.g. forest buffers). We requested that EPA acknowledge BMP verification and how it interacts with annual progress metrics in the final milestone evaluation in the narrative of the document as well as in the tabular data.
  - o We noted that the use of "None reported" for BMPs that were not available to be reported in 2009 does not communicate the proper message and requested another means of describing that these BMPs were not reported due to not being creditable.
  - o We requested that the four additional BMPs that Pennsylvania decided to include in the Numeric Milestones also be included in the Table.

The final programmatic and numeric milestone documents will be published by the June 13, 2020 deadline. We have been working with our Communications Office to do an overhaul of DEP's Chesapeake Bay webpages, so we will provide the link to the location of the documents when they are published.

Thank you,

**Jill Whitcomb** | Director, Chesapeake Bay Program Office  
Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street | Harrisburg, PA 17105  
Phone: (717) 783-5205  
[www.dep.pa.gov](http://www.dep.pa.gov)

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